



#4
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

William A. Seitz, Robert E. Garfield,
Alexandru T. Balaban and Randall J. Stewart

Group Art Unit: Unknown

Serial No.: 09/095,174

Examiner: Unknown

Filed: June 10, 1998

Atty. Dkt. No.: NIOX:002

For: SYSTEMS AND METHODS FOR
TOPICAL TREATMENT WITH NITRIC
OXIDE

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73
AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints J. Paul Williamson, Reg. No. 29,600; Shelley P.M. Fussey, Reg. No. 39,458; David W. Hibler, Reg. No. 41,071; Steven L. Highlander, Reg. No. 37,642; Daniel S. Hodgins, Reg. No. 31,026; Nabeela R. McMillian, Reg. No. P-43,363; Gary J. Sertich, Reg. No. 34,430; and Richard A. Nakashima, Reg. No. 42,023;;

each an attorney or agent of the firm of ARNOLD, WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to Nitric Oxide Solutions, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Daniel S. Hodgins
ARNOLD, WHITE & DURKEE
P.O. Box 4433
Houston, Texas 77210-4433
(512) 418-3000

ASSIGNEE:
NITRIC OXIDE SOLUTIONS

By: William A. Seitz
Name: William Seitz
Title: Managing Partner
Date: 8/8/98

ASSIGNMENT:

☒ Concurrently filed
☐ Previously recorded
Date: _____
Reel: _____
Frames: _____



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VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR §§ 1.9(F) AND 1.27(C)) - SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: NITRIC OXIDE SOLUTIONS
ADDRESS OF SMALL BUSINESS CONCERN: 3406 Oak Drive
Dickinson, Texas 77539

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME: N/A

ADDRESS: _____

☐ INDIVIDUAL

☐ SMALL BUSINESS CONCERN

☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: _____

Name: William Seitz

Title: Managing Partner

DATE: _____

9/8/98